

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MEGAN JORDAN

Plaintiff,

VS.

No. 02-CV-5312

NATIONWIDE MUTUAL INSURANCE
COMPANY,

Defendant.

ORDER

AND NOW, this day of , 2003, upon consideration of the Motion of Defendant, the Nationwide Mutual Insurance Company, to Compel the Deposition of Plaintiff Megan Jordan, and any response thereto, it is hereby **ORDERED** and **DECREED** that defendant's Motion is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff Megan Jordan shall appear for her deposition within ten (10) days of the date of this Order.

BY THE COURT:

, J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MEGAN JORDAN	:	
	:	
Plaintiff,	:	
	:	
vs.	:	No. 02-CV-5312
	:	
NATIONWIDE MUTUAL INSURANCE	:	
COMPANY,	:	
	:	
Defendant.	:	

**MOTION TO COMPEL DEPOSITION
OF THE PLAINTIFF, MEGAN JORDAN**

Defendant, the Nationwide Mutual Insurance Company, moves for an Order compelling the deposition of the Plaintiff, Megan Jordan, and in support thereof avers as follows:

1. Plaintiff, Megan Jordan, alleges extra-contractual bad faith in the handling and adjustment of her claim for underinsured motorist benefits arising from a policy of insurance issued by the defendant, the Nationwide Mutual Insurance Company.
2. On June 26, 2003, Defendant, the Nationwide Mutual Insurance Company, noticed the deposition of plaintiff, Megan Jordan, for August 21, 2003. Copies of the Notice of Deposition and enclosure letter are attached as Exhibit "A".
3. At the request of plaintiff's counsel, the deposition of plaintiff, Megan Jordan, did not take place on August 21, 2003.
4. Counsel for the parties tentatively scheduled the deposition of plaintiff, Megan Jordan, for September 4, 2003 or September 5, 2003.

5. Again at the request of plaintiff's counsel, the deposition of plaintiff, Megan Jordan, did not take place on either September 4th or September 5th.

6. Defendant, the Nationwide Mutual Insurance Company, is prejudiced by plaintiff's failure to appear for her deposition, particularly in light of the September 15, 2003 discovery deadline.

7. Defendant had hoped to address the issues raised in this and other discovery motions being filed with the Court, without resorting to motion practice. Attached as Exhibit "B" is a copy of Defendant's recent correspondence to the Court. Attached as Exhibit "C" is a copy of Defendant's Motion, with the consent of plaintiff, to Extend Deadlines and Establish a Date Certain for Trial.

8. Plaintiff, however, after initially indicating an interest in resolving these disputes by requesting a joint conference with the Court, has filed additional discovery motions and thus left Defendant with no choice but to move to compel Plaintiff's deposition.

WHEREFORE, Defendant, the Nationwide Mutual Insurance Company, respectfully requests that this Honorable Court enter the attached Order compelling Plaintiff, Megan Jordan, to appear for her deposition within ten (10) days of the date of the Court's Order.

SWARTZ CAMPBELL LLC

James C. Haggerty, Esquire
James C. King, Esquire
Identification Nos. 30003/71498

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Attorneys for Defendant,
Nationwide Mutual Insurance Company

Dated: September 16, 2003

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MEGAN JORDAN

Plaintiff,

vs.

NATIONWIDE MUTUAL INSURANCE
COMPANY,

Defendant.

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:
:

No. 02-CV-5312

CERTIFICATION OF COUNSEL

I, James C. King, hereby certify that the parties, after reasonable effort, are unable to resolve the dispute described in the accompanying Motion.

SWARTZ CAMPBELL LLC

James C. King, Esquire

Attorneys for Defendant,
Nationwide Mutual Insurance Company

Dated: September 16, 2003

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MEGAN JORDAN	:	
	:	
Plaintiff,	:	
	:	
vs.	:	No. 02-CV-5312
	:	
NATIONWIDE MUTUAL INSURANCE	:	
COMPANY,	:	
	:	
Defendant.	:	

**BRIEF IN SUPPORT OF THE MOTION TO COMPEL
THE DEPOSITION OF THE PLAINTIFF, MEGAN JORDAN**

Defendant, the Nationwide Mutual Insurance Company, respectfully requests that this Honorable Court grant the Motion to Compel the Deposition of Plaintiff, Megan Jordan. Federal Rule of Civil Procedure 30(a) permits the taking of Ms. Jordan's deposition. See F.R.C.P. 30(a). Plaintiff has not moved for a protective order or otherwise objected to the taking of her deposition. Federal Rule of Civil Procedure 37 permits Defendant to file a Motion to Compel the plaintiff's deposition. See F.R.C.P. 37(a) & (d). In addition, Federal Rule of Civil Procedure 26 permits a court, for good cause, to order the discovery of any relevant matter. See F.R.C.P. 26(b)(1).

The deposition of plaintiff, Megan Jordan, was properly noticed for August 21, 2003, canceled by plaintiff, tentatively rescheduled for September 4th or 5th and then canceled again by plaintiff. Therefore, a Motion to Compel the Deposition of Plaintiff, Megan Jordan, is appropriate.

Defendant had hoped to address the issues raised in this and other discovery motions being filed with the Court, without resorting to motion practice. Plaintiff, however, after initially

indicating an interest in resolving these disputes by requesting a joint conference with the Court, has filed additional discovery motions, and thus left Defendant with no choice but to move to compel Plaintiff's deposition.

Accordingly, Defendant, the Nationwide Mutual Insurance Company, respectfully requests that this Honorable Court enter an Order compelling Plaintiff, Megan Jordan, to appear for deposition within ten (10) days, at a date and time to be agreed among counsel and the parties.

WHEREFORE, Defendant, the Nationwide Mutual Insurance Company, respectfully requests that this Honorable Court enter an Order compelling Plaintiff, Megan Jordan, to appear for deposition within ten (10) days, at a date and time to be agreed among counsel and the parties.

Respectfully submitted,

SWARTZ CAMPBELL LLC

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Attorneys for Defendant,
Nationwide Mutual Insurance Company

Dated: September 16, 2003

CERTIFICATION OF SERVICE

I hereby certify that on this day I am serving the foregoing Motion to Compel Deposition
by fax and regular mail upon the following counsel of record:

Charles K. Graber, Esquire
Ochroch & Graber, P.C.
318 South 16th Street
Philadelphia, PA 19102

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Attorneys for Defendant,
Nationwide Mutual Insurance Company

Dated: September 16, 2003